

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY
Civil Action No. 2:16-cv-00829-MCA-LDW

THEODORE VAN LEER, an individual;
CAROLINE VAN LEER, an individual;
ANNE M. BLANKEN, an individual; and
ANNE M. BLANKEN, as Trustee of
CREDIT SHELTER SHARE TRUST,

Plaintiffs,

v.

DAVID W. SCHAMENS, an individual;
TRADEDESK FINANCIAL GROUP, INC., a Delaware corporation;
TRADESTREAM ANALYTICS, LTD., a Delaware corporation;
INVICTUS REAL ESTATE INVESTMENT, LLP, a North Carolina limited partnership;
and PILIANA SCHAMENS, an individual;

Defendants.

CLERK
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
RECEIVED

2016 MAR 28 A 11:23

TO: William T. Walsh, Clerk of Court
United States District Court - District of New Jersey
Martin Luther King, Jr. Federal Building & Courthouse
50 Walnut Street
Newark, New Jersey 07101

REQUEST TO DENY ENTRY OF DEFAULT

Defendants David W. Schamens and Invictus Real Estate Investment, LLP, individually and as General Partner and sole partner of Invictus Real Estate Investment, LLP, Tradedesk Financial Group, Inc., Tradestream Analytics, Ltd., defendants Piliana M. Schamens, individually reply to the request for entry of default by Plaintiffs as follows:

1. Plaintiffs were made aware of this 'Request for Entry of Default' via email from a secretary working for Plaintiff's counsel.
2. No complaint in this case has been served upon the Plaintiffs. Plaintiffs are only aware of the prospect of such a case, not the complaint itself, as the result of a phone call from counsel in another

case, but have never see a copy of this complaint. No counsel has ever been retained for this case, even for the purposes of accepting service, and upon information and belief, Plaintiff's counsel has been expressly informed that there is no counsel for this case.

3. Upon information and belief, no service has even been attempted based on the Federal Rules of Civil Procedure, and such declaration with the Court that such service has been made is filed, knowingly making a false oath to the Court. Further, though such a 'declaration' is referred to in the Request, Defendants have not been sent a copy of such Declaration.
4. Plaintiff's currently have another case with the same Defendants and same Plaintiff's counsel. Upon information and belief, the Plaintiff's counsel is playing games with the Court, abusing its position as officers of the Court by filing what would appear to be false declarations, and finally, filing complaints regarding the same parties in the same jurisdiction without the other case being adjudicated.

As such, The Defendants thus hereby move the Court, pursuant to Federal Rules of Civil Procedure, to deny the Request for Entry of Default, and order the Plaintiff's to serve the Complaint properly as they clearly know must be done.

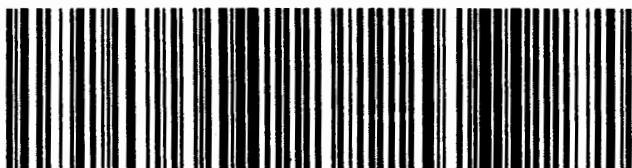
Dated: March 24, 2016

By: 
Piliana M. Schamens
Individually

By: 
David W. Schamens
Individually, and as
Managing Director
TRADEDESK FINANCIAL GROUP, INC.
TRADESTREAM ANALYTICS, LTD.
General Partner
INVICTUS REAL ESTATE INVESTMENT, LLP
dschamens@tradestreamanalytics.com
Tel.: (212) 537-6867
POB 201, Advance, NC 27006

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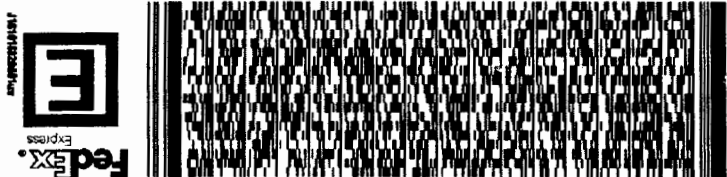
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MON - 28 MAR 10:30A
PRIORITY OVERNIGHT
TRK# 7759 6769 5914 0201



DEPT. PO. (NV) (973) 645-4618

NEWARK NJ 07101 REF

TO
OFFICE OF THE CLERK
US DISTRICT COURT - NEW JERSEY
50 WALNUT STREET

SHIP DATE: 26MAR16
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CAD: 104945397/NET3730
BILL SENDER

ORIGIN ID: INTA (704) 503-1110
DAVID SCHAMENS
138 ARNOLD PALMER DRIVE
ADVANCE, NC 27006
UNITED STATES US

322
RT B03
10:30
F
5914
03:28
Ex
gent